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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA
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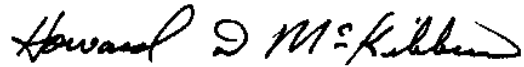
13 UNITED STATES OF AMERICA,) 3:01-cr-00177-HDM-VPC
14 Plaintiff,)
15 vs.) ORDER
16 WAYNE SIMPSON,)
17 Defendant.)
18 _____)

19 Defendant has filed a motion for reduction of sentence
20 pursuant to 18 U.S.C. § 3582 and Amendment 748 to the United States
21 Sentencing Guidelines (#49). Defendant has also requested that his
22 motion be held in abeyance pending clarification by the United
23 States Sentencing Commission as to the retroactivity of Amendment
24 748. On June 30, 2011, the Commission voted to give retroactive
25 effect to Amendment 748, which will be effective November 1, 2011,
26 unless Congress acts to disapprove the amendment. In light of the
27 Commission's vote, the court sees no reason to hold defendant's
28 motion in abeyance. Accordingly, that part of defendant's motion

1 asking the court to hold his motion in abeyance is denied. The
2 government is directed to file a response to defendant's § 3582
3 motion on or before August 22, 2011. Defendant shall thereafter
4 have up to and including September 22, 2011, in which to file any
5 reply.

6 **IT IS SO ORDERED.**

7 DATED: This 20th day of July, 2011.

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9 UNITED STATES DISTRICT JUDGE
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